IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 69 OF 2006

Gandhi Enterprises ...
Applicant

Versus

Anant Ramkrishna Bhambure ...
Respondent

Mr. V.K.Srivastav, instructed by M/s. Khilnani & Co., for the applicant.
Mr. D.N. Hungund for the respondent.

CORAM: **SWATANTER KUMAR, C.J.**

DATE: **AUGUST 10, 2007**.

P.C.

This is an application under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (hereinafter "the Act"). The prayer is for appointment of a sole Arbitrator. Initially the respondent disputed the existence of the arbitration agreement and took up the plea that there was no subsisting valid arbitration agreement between the parties. As such the disputes were not referable to arbitration.

2. Be that as it may, during the course of hearing of this application, the learned counsel appearing for the respondents, without prejudice to his rights and contentions, stated that he has no objection

to the appointment of the sole Arbitrator. Thus, with the consent of the counsel for the parties, Shri A.J. Dholakia, retired District Judge, is appointed as the sole Arbitrator to adjudicate and decide the dispute between the parties. The parties are entitled to file their claims/counter claims before the sole Arbitrator. All the pleas as are available to them, including under Section 16 of the Act, are kept open.

3. Application is disposed of accordingly. Parties are directed to bear their own costs.

CHIEF JUSTICE